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Environmental Fact Sheet

EFFECTIVE DATE DELAYED FOR LANDFILL FINANCIAL ASSURANCE REQUIREMENTS

EPA has finalized a rule under the Resource Conservation and Recovery Act (RCRA) Subtitle D which delays the effective date for compliance with financial assurance requirements for owners and operators of all Municipal Solid Waste Landfill Facilities (MSWLFs) until April 9, 1997.

Background

Private and local government owners and operators of municipal solid waste landfills are required to assure that the funds for corrective action, closure, and post-closure care will be readily available when needed. Financial assurance can be demonstrated through a number of mechanisms including trust funds, surety bonds, letters of credit, etc. EPA is developing final rules related to alternate financial assurance mechanisms including a local government financial test and a corporate financial test. These financial tests would allow an owner or operator to demonstrate that it has sufficient financial strength to meet the obligations associated with its facility. The Agency wishes both to ensure the availability of funds to protect human health and the environment in a timely manner and to provide flexibility for meeting financial assurance requirements. These future rules will enable owners and operators to select the most appropriate mechanism from the complete range of financial mechanisms available.

Action

This final rule delays for two years the date on which owners and operators of MSWLFs are required to comply with a financial assurance mechanism for closure, post-closure, and corrective action costs in order to be able to accept additional shipments of solid waste.

Owners or operators of MSWLFs now have until April 9, 1997 to comply with financial assurance requirements so that the local government and corporate financial tests can also be considered for use. These are expected to be promulgated in the fall of 1995 and the spring of 1996, respectively. The lead time also enables state governments to revise relevant state laws or regulations. While the final rule incorporates a date change from the proposed rule (revising the effective date to April 9, 1997), the substance and intent of the final rule do not differ from the proposed rulemaking. This rule is expected to provide regulatory relief in that financial assurance requirements become effective after alternative mechanisms can be considered.

Contact

For further information, or to order paper copies of the Federal Register notice, please call the RCRA Hotline Monday through Friday, 8:30 a.m. to 7:30 p.m., EST. The national toll-free number is (800) 424-9346; for the hearing impaired, it is (TDD) (800) 553-7672. In Washington, D.C., the number is (703) 412-9810 or TDD (703) 412-3323.

The *Federal Register* notice is available in electronic format on the Internet System through the EPA Public Access Server at **gopher.epa.gov**. For the text of the *FR* notice, choose: *Rules, Regulations, and Legislation*; then, *Waste Programs/EPA Waste Information-GPO*; finally, *Year/Month/Day*.

Copies of documents applicable to this rule, including a response to all comments, may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305), 401 M Street SW, Washington, D.C. 20460.